

OFFICIAL MINUTES MARCH 9, 2016 7:00PM  
CITY OF GUNNISON PLANNING AND ZONING COMMISSION  
REGULAR MEETING

MEMBERS	PRESENT	ABSENT	EXCUSED
Erik Niemeyer	X		
Erich Ferchau	X		
Andy Tocke	X		
Bob Beda	X		
Sharon Cave	X		
Greg Larson	X		
Councilor Matt Schwartz	X		

OTHERS PRESENT: Community Development Director Steve Westbay, Planner Andie Ruggera, Planning Technician Michelle Spain.

**I. CALL TO ORDER AT 7:00 PM BY CHAIR GREG LARSON**

**II. PLEDGE OF ALLEGIANCE TO THE FLAG**

**III. PUBLIC HEARING AND POSSIBLE ACTION – MAJOR CHANGE TO A PUD APPLICATION, ZA 16-2, SUBMITTED BY GUNNISON VALLEY PROPERTIES LLC, TO MODIFY THE GROSS FLOOR AREA AND PHASING OF THE COMMERCIAL/MIXED USE DISTRICT WITHIN TABLE 2.1 (PUD ZONING, LAND USE, DWELLING UNITS AND NON-RESIDENTIAL ALLOCATIONS); SECTION 2.6 (HIGHWAY ACCESS CONTROL PLAN); AND, APPENDIX A (DEVELOPMENT PHASING) WITHIN THE *GUNNISON RISING PUD DEVELOPMENT STANDARDS*.**

**Open Public Hearing. 7:02pm**

**Proof of publication.** Proof of publication was entered into the record.

**Review of the process** by Director Westbay. This proposal has three different amendment actions.

- 1) Table 2.1: PUD Zoning and Land Use Allocations
- 2) Section 2.6: Highway Access Control Plan
- 3) Appendix A: Development Phasing

These are commercial uses elements. Location was discussed and the area size. Residential caps were discussed. Table 2.1 is the major part of the discussion. This request is to change the gross floor area non-residential from 174,000 sq. ft. to 380,000 sq. ft. Residential caps in this section were discussed. The total of 120 still remains the same, but the allocation is 20 for residential units in WSCU Foundation and 100 to be used for private development rights of Gunnison Valley Properties, LLC. Title to this property was discussed. Section 2.6 of the PUD addresses out dated language in the high way access control plan and is formally cleaning up wording. The 3<sup>rd</sup> component is PUD development phasing plan. The applicant would like to increase the developed land area in the CM district from 16 acres to 48 acres and add 15 acres to Open Space. Numerous narrative changes were listed in the staff report. Traffic plan was reviewed and modifications were submitted. Water and wastewater demands were reviewed. The existing

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square feet of 176,000 gives a ratio of 9 to 1. By increasing the floor area to 380,000 sq. ft. this will be 4 to 1 ratio. This is a more efficient way to utilize the needs of the community regarding parking, infrastructure needs etc. The Meadows Mall was used as an example for this ratio request. There are numerous criteria statements in this report.

**Applicant Presentation.** Dennis Minchow, with the Schuck Communities, was introduced and explained his position in regards to representing the applicant. The request is for increase in floor area and the change of phasing was re-stated. WSCU's building potential was discussed. The 260,000 sq. ft. request does not indicate that they have a commercial entity in mine at this time. It does allow for future growth.

Commissioner Ferchau indicated that he was unaware of a master plan at WSCU in place at this time. Currently WSCU is allotted 20 spaces for units. His questions was what if they want to increase this at a later date? Director Westbay responded that the original master plan is set in place. A major change to the PUD would have to be resubmitted. This is considered a living document and will need to be updated periodically. WSCU has some sketch planning completed at this time. There is no formal agreement at this time. WSCU indicated that they are satisfied with this allocation. Both parties are willing to look at the plans with the City to see that they fit into the PUD plan. The gifted deeds need to be subdivided for right away dedications and road easements. So in the future we will need to formally subdivide this parcel. Director Westbay also reviewed our existing community area. In 2007-08 we did a land use inventory. We were probably 80% build out then. In planning for new commercial development areas we will run out of locations. We are running out of residential build out space locally. This is one reason we approved the Gunnison Rising area.

Councilman Schwartz asked about dealing with schools and local zoning laws. At this time the school entitlement does not exist. This basically clarifies the areas. Director Westbay responded that at this time it is not the schools property. This basically clarifies the situation on the request. This property is in the foundation's name. Commissioner Ferchau responded that WSCU Foundation would not want to turn this over to the State. The State will not build housing for faculty. Mr. Minchow indicated that there is a gray area when title is given to the State and it is deed restricted. These provisions run with the land.

**Public Input.**

Ralph E (Butch) Clark III introduced himself. He discussed the traffic on Georgia and Escalante. He indicated that this should be made into a fire access. He had concerns about the safety of students in general. He was concerned that traffic from the North would use Colorado to by-pass the downtown area. He discussed a bridge. Affordable housing needs were discussed. There is a need for housing not just for students and faculty. Eco-friendly units were presented and designs were discussed. Information from the annexation in 2008 and 2009 that he submitted needs to be reviewed for this PUD. We have one of the highest pressured gas lines in the State of Colorado. We need to utilize gas from Ohio Creek for use in the City. There are other products that can be harnessed for future efficient use. Various techniques were presented.

Commissioner Larson indicated that the PUD addresses the solar requirements that are in the PUD.

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Mr. Clarke also indicated that we need to prepare for any possible gas mishap. Biochar was discussed and the process was reviewed for capturing waste material. One item in the financial plan estimates for cost of construction but this seemed to be low. Director Westbay injected that that these costs were directly related to the Metro District that is under review by Council. They are not related to this application. Mr. Clarke indicated that so many times these major projects will drag out and then costs get increased. He recommended that they approve this project in steps. What are the projections to fill these vacant areas in the City? Future forecasting on who and when these people will come to this area needs to be looked at.

Commissioner Ferchau asked about the donation of his property. Mr. Clarke responded that the funds were disbursed into a foundation. Mr. Clarke reviewed the renting requirements of BLM land and how you can then put up housing. The requirements for housing were discussed. This must be designed for mobile use and then removed after the lease is up. Yurts have been looked at for housing, with group areas for cooking, and showers. Mr. Clarke reiterated the desire to properly plan for these housing areas. Try to figure out all the various costs of expansion for public care, hospitals, police, and utilities. We need to plan for the access from Highway 50 to Gunnison Rising. The City does not have a current bypass route. Mr. Clarke indicated he had submitted a bypass route back in 2007. Director Westbay responded that the requirement for this was recorded in the annexation.

Ellen Harriman declined to comment.

**Staff Presentation.** Director Westbay stated that the findings were located on page 16 and 17.

**Commission Discussion.**

Commissioner Tocke asked why the commercial use/ mixed area were broken down into 2 phases. Director Westbay indicated it had to do with the development of the highway access issues to this area. Phase 2 was to get a small component approved without a full movement access point being developed. Phase 4 was a major intersection from Highway 50 into the subdivision. Mr. Minchow also indicated that it had to do with the requirements on Georgia and Escalante and the buffer involved in this area.

Commissioner Niemeyer asked about the concerns on the sewage flows. Director Westbay indicated that there will need to be a lift system. Also additional maintenance issues will be needed for this area. Flush is the problem. As development occurs this issue will be gone. Demand and the economy will facilitate this mitigation sooner.

**Close Public Hearing.** Chair Larson closed the public hearing at 7:57pm

**Commission Action.**

**RECOMMENDATION**

During the Planning & Zoning Commission meeting held on March 9, 2016, Commissioner Tocke moved, Commissioner Niemeyer seconded and the Planning & Zoning Commission voted to recommend APPROVAL, to City Council of zoning amendment application ZA 16-2, for a

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Major Change to the *Gunnison Rising PUD Development Standards*, based on the following findings of facts:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*, *Gunnison Rising Annexation Agreement* (December 3, 2009), the *Supplement to Annexation Agreement*, and the *Gunnison Rising PUD Development Standards*.
2. The Planning and Zoning Commission finds that the *Gunnison Rising PUD Development Standards* (November 2009) were approved by City Council and recorded with the Gunnison County Clerk and Recorder in association with the Gunnison Rising Annexation.
3. The Planning and Zoning Commission finds that a major change to a PUD may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data.
4. The Planning and Zoning Commission finds that the request is to amend the following components of the *Gunnison Rising PUD Development Standards*.
  - Table 2.1: PUD Zoning and Land Use Allocations
  - Section 2.6: Highway Access Control Plan; and
  - Appendix A: Development Phasing.
5. The Planning and Zoning Commission finds that this proposed change may have a significant effect on the ability of existing retail space to compete when there are few contributing factors to expand the total market. This situation could lead to the cannibalization of existing retail businesses in the city. (Note: See language on page 15, Policy #9).
6. The Planning and Zoning Commission finds that the applicant should confer with the WSCU Foundation to determine if the existing development rights established for the Commercial/Mixed Use Zone district fulfill their potential needs.
7. The Planning and Zoning Commission finds that, based on the Findings cited above, the approval of this Major Change is not a detriment to the community's health, safety and welfare.

Roll Call Yes: Beda, Cave, Ferchau, Larson, Schwartz, Niemeyer, Tocke

Roll Call No:

Roll Call Abstain:

Motion Passed

7:20 pm

**IV. PUBLIC HEARING AND POSSIBLE ACTION- TEXT AMENDMENT APPLICATION, ZA 16-1, SUBMITTED BY STEVEN WESTBAY, DIRECTOR OF COMMUNITY DEVELOPMENT, PROPOSING TO AMEND TREE AND BUFFER PLANTING REQUIREMENTS (TABLE 4-11 MINIMUM TREE AND SHRUB PLANTINGS) AND SECTION 4.6 F.3 (ZONE DISTRICT BOUNDARY BUFFER). THE TEXT**

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**AMENDMENT ALSO CORRECTS MINOR TYPOGRAPHICAL ERRORS WITHIN  
THE CITY OF GUNNISON LAND DEVELOPMENT CODE.**

**Open Public Hearing. 8:00Pm**

**Proof of publication.** Proof of publication was entered into the record.

**Applicant Presentation.**

Planner Ruggera commenced her review of the application.

- Section 10.3 of the LDC was explained. Changes are located in Table 4-11, changes to the Minimum Tree and Shrub Plantings. These modifications will allow more consistency in each of the zoned districts. Clarification in the buffer area was added.
- Section 4.6, the waiver application will be considered at public hearing and require public notice. The minimum buffer standards were modified.
- Section 4-7, Off- Street parking areas are subject to driveway access standards.
- Section 9 Development Standard Waivers; this will be changed to a public hearing notice.
- Table 9-1, changed the Minimum Tree and Shrub Plantings from a variance procedure approval by the Community Development director.
- Section 12 Subdivision Standards 12.1 Purpose. Development Improvement Costs. Provide provisions and documentation ensuring that defined improvement funding borne by the developer for public utilities and facilities are secure and protect the fiscal well-being of the City.
- An addition not in the packet. Table 2-4. The Dimensional Standards. The townhouse requirement, minimum lot frontage width requirement. Currently it is at 25'. We are requesting to change it to 20' to agree with the minimum building width with in the zone districts.

**Applicant.**

None

**Public Input.**

None

**Staff Presentation.**

Ruggera indicated that this would give consistency to the Land Development Code.

**Commission Discussion.**

**Close Public Hearing.** Chair Larson closed the public hearing at 8:04

**Commission Action.**

**RECOMMENDATION**

During the Planning and Zoning Commission meeting held on March 9, 2016, Commissioner

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Beda moved, Commissioner Cave seconded, and the Planning and Zoning Commission voted to recommend APPROVAL, to City Council of Zoning Amendment application ZA 15-1, for a Text Amendment to modify the tree and buffer planting requirements within Table 4-11 (Minimum Tree and Shrub Plantings) and Section 4.6 F.3 (Zone District Boundary Buffer) and typographical errors throughout the *LDC*, based on the following findings of fact:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that the amendment provides consistency and flexibility within the *LDC*.
3. The Planning and Zoning Commission finds that proposed amendments clarifies the administrative direction or correct errors within the *LDC*.
4. The Planning and Zoning Commission finds that this Text Amendment application complies with the review standards for Text Amendments (*LDC*, Section 10.5).
5. The Planning and Zoning Commission finds that based on the record of the application proceedings, approval of this Text Amendment protects the community's health, safety and welfare.

Roll Call Yes: Ferchau, Larson, Niemeyer, Tocke, Schwartz, Cave, Beda

Roll Call No:

Roll Call Abstain:

Motion Passed

Director Westbay wanted to indicate that the Code is working but we do need to look at the changes periodically. OVPP indicated that we should be flexible on affordable housing. Director Westbay will be looking at all aspects of affordable housing. In the next 4-8 weeks Director Westbay will be doing a code diagnosis for potential issues with affordable housing. There are many items that need to be looked at. He indicated that the staff is very efficient on the application reviews for all requests.

Chairman Larson agreed that this Code is a living document and housing needs are being reviewed appropriately.

Housing needs in Crested Butte are different than the housing needs in the City. Director Westbay will be looking at affordable housing issues and various incentives that can be given for development.

Commissioner Beda also agreed with the different needs for affordable housing in the various locations. Commissioner Ferchau indicated that he would also help with this. ICC is looking at going to a performance based building code.

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**V. UNSCHEDULED CITIZENS**

Mr. Clarke came forward. Commissioner Ferchau asked if Mr. Clarke had solicited companies coming to this region with their products. Mr. Clarke responded there is so much on the internet concerning these companies. Also many of the current suppliers have had to get financing to operate in our area. This would be a major problem for these companies. Long term purchase power contracts are usually what they have had to enter into. Commissioner Ferchau asked why Mr. Clarke had not pursued this. Mr. Clarke responded that new developers should approach this aspect. BLM lands being used for housing. Director Westbay indicated that the County is the area that would be able to use this concept. The City has no proximity to BLM lands for this land lease concept. Discussion of the affordable housing needs. Mr. Clarke described an overcrowding situation in an area located in the City limits. This is common in areas in Colorado. Sprawling development was discussed in unincorporated Gunnison County. Commissioner Ferchau indicated that many of these people prefer to live this way, to conserve their funds. Small homes were discussed. Can this be done in the \$25,000.00 area? The sewage & water tap fees eat up much of this. Accessory dwelling units are allowed in the City.

Mr. Clarke reviewed some of the eco systems in other areas of the country. Recycled goods such as shipping containers were discussed. These items could be used as alternative housing materials. Chairman Larson thanked Mr. Clarke and staff will email his information to this Commission.

**VI. CONSIDERATION OF THE FEBRUARY 24, 2016 MEETING MINUTES**

Commissioner Tocke moved, and Councilman Schwartz seconded, to approve the February 25, 2016 meeting minutes as presented with requested corrections.

Roll Call Yes: Beda, Ferchau, Niemeyer, Schwartz, Tocke

Roll Call No:

Roll Call Abstain: Larson and Cave

Absent:

Motion Passed by Majority

**VII. COUNCIL UPDATE** Councilman Schwartz commenced his review.

- On March 1<sup>st</sup> council accepted the contract with Strategic Government Resources for the recruitment of the new City Manager. Michael Tanner is here and working with the City.
- Update on the Farmers' Market Multi-Day City event permit for 2016
- Appointed Councilwoman Morrison as ex-officio member to the Chamber Board. Councilman Schwartz was appointed to the visitor's center board.
- March 8<sup>th</sup> Council approved the Farmers' Market event permit, and approved the Parker Pasture lease with changes.
- Gunnison Rising Metro Dist. was presented. Council did not like the 45 Mill Levy, council would like it decreased to a 35 Mill Levy. Taxes would escalate on new residential and commercial development.
- Public Improvement Fee (PIF) was discussed. Credit 1.55% sales tax would be removed from the City and go to service bonds. Council's concern was the decrease of this fee

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and how it would affect the City's budget. These sales tax revenues are hard to determine at this time. The deals were not specific. We need to protect the sales tax base. Discussion on how many actual sales will be in this area. The model plan was in compliance. The public hearing will be March 30<sup>th</sup>.

- Initiation of a sidewalk reorganization process. Some of the local businesses would like to offer café seating. This needs to be looked at as an entire project. Sandwich boards, display of goods, bike racks, garbage cans, planters etc. Moving or removing some items may be required. It currently is a challenge to walk down Main Street at this time. ADA compliance is an issue. The goal is to accomplish this by July 5<sup>th</sup>. Staff has been asked to initiate the review.
- Commissioner Ferchau asked about how we are engaging the business owners. Acting City Manager Achen responded that the Chamber could send out a bi-weekly email with a survey. Mr. Achen indicated that council is trying to re-establish communications with the chamber. Going door to door would be very time consuming. Instead they could come to the City or a representative could go to the citizen.
- Commissioner Ferchau encouraged personal contact with the business owners. He thought the emails were lost in each one's busy days.

#### **VIII. COMMISSIONER COMMENTS**

- Commissioner Beda stated that the recent planning magazine had 3 good articles. Signs, Tiny Homes and VRBO rentals. They all seem to apply to our community.
- Councilman Schwartz indicated that Salida is embracing Tiny Homes. Commissioner Beda stated that the biggest question was whether they were classified as real property or chattels. If they have no tie-in to utilities how will this work. Many are being built on trailers. Are they truly set up for safety?
- Commissioner Niemeyer got a letter from a concerned citizen on an upcoming meeting on affordable housing, and quality rentals. Meeting is March 17th at 10am.

#### **IX. PLANNING STAFF UPDATE**

- Director Westbay indicated that with Spring Break coming up can we reschedule the 2<sup>nd</sup> monthly meeting. Some of our staff will be out of the office. There are other projects that staff needs to address also. Next meeting will be April 13<sup>th</sup>.

Adjourn 8:55 pm

Attest:

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Greg Larson, Chair

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Michelle Spain, Secretary